

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MARGARET A. CALHOUN and
DAVID S. CALHOUN,

Plaintiffs,

v.

ORDER
07-CV-109A

DARRYL G. ALLEN, et al.,

Defendants.

The above-referenced case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(B). On November 19, 2007, Magistrate Judge H. Kenneth Schroeder, Jr. filed a Report and Recommendation, recommending that plaintiffs' motion to remand the case to New York State Supreme Court, Allegany County.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, the case is remanded to New York State Supreme Court, Allegany County.

The Clerk of Court shall take all steps necessary to transfer the case and to close the file.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA

CHIEF JUDGE

UNITED STATES DISTRICT COURT

DATED: December 10, 2007